

**SETTLEMENT AGREEMENT BETWEEN**  
**MISSOURI REAL ESTATE COMMISSION AND REBECCA HARRINGTON LLC**  
**AND REBECCA J. HARRINGTON**

Come now Rebecca Harrington LLC ("Harrington LLC"), DBA Gantara Properties ("Gantara"), Rebecca J. Harrington ("Harrington") (collectively "Licensees") and the Missouri Real Estate Commission ("Commission") and enter into this Settlement Agreement for the purpose of resolving the question of whether Harrington LLC's license as a real estate association and Harrington's licenses as a real estate broker associate will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,<sup>1</sup> the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensees' licenses, and, additionally, the right to a disciplinary hearing before the Commission under § 621.110, RSMo.

Licensees acknowledge that they understand the various rights and privileges afforded them by law, including the right to a hearing of the charges against them; the right to appear and be represented by legal counsel; the right to have all charges against them proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against them; the right to present evidence on their own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against them and, subsequently, the right to a disciplinary hearing before the Commission at which time they may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against their licenses. Being aware of these rights provided them by operation of law, Licensees knowingly and voluntarily waive each and every one of these rights and freely enter into this Settlement Agreement and agree to abide by the terms of this document, as they pertain to them.

Licensees acknowledge that they have received a copy of the documents relied upon by the Commission in determining there was cause to discipline their licenses, along with citations to law and/or regulations the Commission believes were violated.

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<sup>1</sup> All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

For the purpose of settling this dispute, Licensees stipulate that the factual allegations contained in this Settlement Agreement are true and stipulates with the Commission that their licenses, numbered 2012038686 (Harrington LLC) and 2012038687 and 2011022594 (Harrington) are subject to disciplinary action by the Commission in accordance with the provisions of Chapter 621 and §§ 339.010-339.205 and 339.710-339.855, RSMo.

Joint Stipulation of Facts and Conclusions of Law

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of Sections 339.010-339.205 and 339.710-339.855, RSMo.

2. Licensee, Harrington LLC, holds a real estate association license from the Commission, license number 2012038686. The Commission issued Harrington LLC's license on November 9, 2012, and it expires June 30, 2020. Licensee's license was current and active at all relevant times herein. Licensee Rebecca J. Harrington is the designated broker for Harrington LLC.

3. Licensee, Rebecca J. Harrington, holds broker associate licenses from the Commission, license numbers 2012038687 and 2011022594. The Commission issued Harrington's 2012 broker associate license on November 9, 2012 and Harrington's 2011 broker associate license on July 14, 2011. Licensee's licenses expire June 30, 2020 and were current and active at all relevant times herein.

4. On December 18-21, 2017, January 8-11, 17-18 and February 16, 2018, the Commission conducted an audit of Licensees. The Commission's audit revealed the following violations:

- a. In violation of sections 339.100.2(1) and 339.105.1, RSMo, and regulation 20 CSR 2250-8.120(3) and (4), on 20 instances Licensees failed to deposit and maintain rent in an escrow account in that Licensee Harrington deposited HUD rent payments into an account related to her parent's brokerage.
- b. In violation of section 339.100.2(19), RSMo, on three instances, Licensees had inaccurate owner's statements including expenses not transferred until after the audit period, incorrect revenue and incorrect owner funds.

- c. In violation of section 339.105.1, RSMo, there was a net shortage of \$1,851.99 in Licensees' property management escrow account, Simmons Bank, account ending 1148 ("Account 1148"). The shortage would be partially identified:
- i. Identified overages totaling \$8,681.98: \$7,497.01 due to accumulated management fees not removed; \$600.00 due to a check clearing the bank for a different amount; \$60.00 due to expense paid in cash by the broker that was reflected as an expense; \$250.00 due to funds held on property managed without an agreement; \$272.97 due to expenses reflected on owner's statement not yet paid; and \$2.00 due to incorrect revenue reflected on owner's statement.
  - ii. Identified shortages totaling \$11,397.96: \$630.00 due to manual checks written but not charged to owners; \$2,941.77 due to debit card purchases not charged to owners; \$1,971.42 due to commingling personal expenses paid with debit card; \$2,408.00 due to rents not deposited and maintained in an escrow account and \$58.40 due to management fees billed twice.
  - iii. Resulting in an unidentified overage of \$863.99.
- d. In violation of section 339.105.1, RSMo, there was a temporary shortage in Account 1148 of \$120.00 from February 21, 2017 to March 20, 2017 due to managing property, 10725 Glen Garry Drive, without an agreement.
- e. In violation of section 339.105.1, RSMo, on numerous instances, Licensees commingled funds in the property management escrow account, Account 1148, in that Licensees deposited broker fund into Account 1148, Licensees paid expenses from Account 1148 and Licensee Harrington deposited rents into an account related to her parent's brokerage.
- f. In violation of section 339.105.1, RSMo, there was a temporary shortage of \$4,000.00 from December 1, 2016 to August 29, 2017 in Account 1148 due to Licensees not maintaining rents in an escrow account.
- g. In violation of section 339.105.1, RSMo, there was temporary shortage of \$100.00 from April 14, 2017 to September 25, 2017, in Account 1148 due to commingling.

- h. In violation of section 339.105.2, RSMo, Licensee Harrington closed a property management escrow account, St. John Bank & Trust, account ending 4511 ("Account 4511") without notifying the Commission.
- i. In violation of section 339.105.2, RSMo, and regulation 20 CSR 2250-8.220(7), a property management escrow account, Account 1148, was not registered with the Commission.
- j. In violation of section 339.760, RSMo, Licensee Harrington failed to adopt a written policy which identifies and describes the relationships in which the designated broker and affiliated licensees may engage with any seller, landlord, buyer or tenant.
- k. In violation of section 339.770.1, RSMo, and regulation 20 CSR 2250-8.097(1), on at least six instances, Licensees failed to provide the landlord with a Broker Disclosure Form.
- l. In violation of section 339.780.2, RSMo, and regulation 20 CSR 2250-8.090(9)(B), on three instances Licensees' management agreement did not state the full amount of fee or commission to be paid.
- m. In violation of section 339.780.2, RSMo, and regulation 20 CSR 2250-8.200(1), Licensee Harrington managed property without an agreement for 10725 Glen Garry Drive.
- n. In violation of regulation 20 CSR 2250-4.030(1), Licensee did not furnish the Commission with a copy of the fictitious name registration for Gantara Properties, Inc.
- o. In violation of regulation 20 CSR 2250-8.090(9)(A), Licensees' management agreement did not properly identify the property in that it contained no address.
- p. In violation of regulation 20 CSR 2250-8.090(9)(C), Licensees' management agreement did not specify whether prepaid rents would be held by the broker or owner.
- q. In violation of regulation 20 CSR 2250-8.090(9)(D), on two instances, Licensees' management agreement did not contain the beginning date.
- r. In violation of regulation 20 CSR 2250-8.160(2), on 11 instances, Licensees failed to retain records including a bank statement, voided checks and invoices.
- s. In violation of regulation 20 CSR 2250-8.170, Licensee Harrington failed to respond in writing to the Commission within 30 days of the Commission's written request or inquiry.

- t. In violation of regulation 20 CSR 2250-8.220(6), on seven instances, Licensee did not remove management fees monthly.
5. At its June 6, 2018 meeting, the Commission reviewed Licensees' audit and directed the Commission to send a letter requiring corrective action for violations identified in the audit.
- a. On June 29, 2018, the Commission sent Licensees the corrective action letter. The letter identified the audit violations, requested that Licensees retain a Certified Public Accountant (CPA) to reconcile the escrow account, Account 1148, and submit quarterly reports to the Commission. The letter requested a list of names of three CPAs within 15 days of the date of the letter. The letter also requested Licensee to correct all overages and shortages within thirty days and submit proof thereof to the Commission, complete a Consent to Examine Form for Account 4511, notify the Commission of, and submit a Consent to Examine and Audit Escrow or Trust Account form for Account 1148, confirm in writing that there is a written office policy and a signed management agreement for all owners.
  - b. On July 3, 2018, Licensee sent the Commission an email stating that the request for three names was "daunting" and that Licensees were concerned about the cost. Licensee Harrington requested "any advice" regarding the request for a CPA. On July 12, 2018, the Commission provided a response to Licensees stating that if they wished to hire a professional other than a CPA, Licensee would have to make a written request which would go before the Commission. The Commission's July 12, 2018 email provided the date of the next meeting and the address to which to send it.
  - c. On July 15, 2018, Licensees sent a letter to the Commission requesting to hire B & B Accounting and Tax Services to assist her with the violations identified in the audit. On or about August 15, 2018, the Commission sent Licensee a letter stating that the Commission had approved Licensee's request to utilize B & B Accounting and Tax Services and informing Licensee that she had to submit a resume from B & B Accounting and Tax Services outlining their qualifications and experience with 3-way reconciliation within the next thirty days. The Commission received no response from Licensee to their August 15, 2018 letter.

- d. On September 24, 2018, the Commission sent Licensee a letter stating that they had not received the information requested in the August 15, 2018 letter, providing Licensee 30 days to respond and reminding Licensee of regulation 20 CSR 2250-8.170(1) which states that failure to respond can result in discipline of a license.
- e. On September 24, 2018, the Commission received an email from Licensee stating that B & B Accounting and Tax Services would not be assisting her and informing the Commission of the two CPAs (Karen S. Stern and Rebecca A. Kibler, both with Brown, Smith & Wallace) that would be assisting her. Licensee also provided information from the firm's website about one of the CPAs. The Commission approved the use of the CPAs.
- f. On November 8, 2018, the Commission sent Licensees a letter stating they had not received her audit response and quarterly CPA reports requested in its June 29, 2018 letter. The letter also requested the information within 30 days, by December 8, 2018, and reminded Licensees of regulation 20 CSR 2250-8.170(1).
- g. On or about November 30, 2018, the Commission received a letter from Licensee. The letter stated that Licensee was in "no way trying not to comply" and described the efforts with the new CPAs thus far. The letter stated she would have the reports requested "as close to the 8<sup>th</sup> [of December] as possible."
- h. On or about December 4, 2018, the Commission sent Licensees a letter approving the CPAs but informing Licensees that they must ensure that they have experience with 3-way reconciliation. The letter requested responses to the Commission's June 29, 2018 and November 8, 2018 letters, audit results within thirty days of each quarter's end, and procedures to ensure that the reports are timely submitted.
- i. On or about January 11, 2019, the Commission received an email from Licensees regarding closure of an account and consent to examine Account 1148. Licensees also included the requested audit policy and informed the Commission they are updating the property management accounts. The email informed the Commission that rents are only deposited in Account 1148 and that Licensees were working with the accounts. Finally, the email stated that the CPA would be providing the 3<sup>rd</sup> and 4<sup>th</sup> quarter reports by February 1, 2019.

- j. On or about January 16, 2019, the Commission sent Licensee a letter stating that her response of January 11, 2019 was incomplete in that it did not address any of the overages or shortages raised during the audit and in the June 29, 2018 letter. Additionally, the letter stated the Commission still had not received the 3<sup>rd</sup> and 4<sup>th</sup> quarter 2018 audit reports from the CPA. The letter informed Licensee that she had 30 days to respond to the requests and reiterated the specific items she had to submit. The Commission received no written response to its January 16, 2019 letter.
- k. On or about February 11, 2019, Commission staff spoke with Licensee Harrington by telephone. Harrington stated that her CPA was still working on the reports but did not give a timeframe as to when they would be completed.
6. Section 339.040.1, RSMo, states, in relevant part:
1. Licenses shall be granted only to persons who present, and corporations, associations, limited liability companies, and professional corporations whose officers, managers, associates, general partners, or members who actively participate in such entity's brokerage, broker-salesperson, or salesperson business present, satisfactory proof to the commission that they:
    - (1) Are persons of good moral character; and
    - (2) Bear a good reputation for honesty, integrity, and fair dealing; and
    - (3) Are competent to transact the business of a broker or broker salesperson in such a manner as to safeguard the interest of the public.
7. Section 339.105, RSMo, states, in relevant part:
1. Each broker who holds funds belonging to another shall maintain such funds in a separate bank account in a financial institution which shall be designated an escrow or trust account. This requirement includes funds in which he or she may have some future interest or claim. Such funds shall be deposited promptly unless all parties having an interest in the funds have agreed otherwise in writing. No broker shall commingle his or her personal funds or other funds in this account with the exception that a broker may deposit and keep a sum not to exceed one thousand dollars in the account from his or her personal funds, which sum shall be specifically identified and deposited to cover service charges related to the account.
  2. Each broker shall notify the commission of his or her intent not to maintain an escrow account, or the name of the financial institution in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each

financial institution to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefore by the commission. A broker shall notify the commission within ten business days of any change of his or her intent to maintain an escrow account, the financial institution, account numbers, or change in account status.

8. Section 339.760, RSMo, states, in relevant part:

Every designated broker who has affiliated licensees shall adopt a written policy which identifies and describes the relationships in which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities.

9. Section 339.770.1, RSMo, states, in relevant part:

In a residential real estate transaction, at the earliest practicable opportunity during or following the first substantial contact by the designated broker or the affiliated licensees with a seller, landlord, buyer, or tenant who has not entered into a written agreement for services as described in subdivision (5) of section 339.710, the licensee shall provide that person with a written copy of the current broker disclosure form which has been prescribed by the commission.

10. Section 339.780.2, RSMo, states, in relevant part:

Before engaging in any of the activities enumerated in section 339.010, a designated broker intending to establish a limited agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee's duties and responsibilities specified in section 339.730 and the terms of compensation and shall specify whether an offer of subagency may be made to any other designated broker.

11. Regulation 20 CSR 2250-4.030(1) states, in relevant part:

Any broker doing business under any name other than the broker's legal name or entity doing business under any name other than the name registered with the secretary of state, shall first comply with the provisions of sections 417.200 – 417.230, RSMo on the registration of fictitious names and shall furnish the commission a copy of the registration within ten (10) days of receipt of the official registration from the secretary of state.

12. Regulation 20 CSR 2250-8.090 states, in relevant part:

...

(9) Every written property management agreement or other written authorization between a broker and the owners of the real estate shall:

(A) Identify the property to be managed;

(B) State the amount of fee or commission to be paid and when the fee or commission will be paid;

(C) Specify whether security deposits and prepaid rents will be held by the broker or the owner;

(D) Contain the beginning date of the agreement[.]

13. Regulation 20 CSR 2250-8.097(1) states, in relevant part:

In a residential real estate transaction, at the earliest practicable opportunity during or following the first substantial contact by the designated broker or the affiliated licensees with a seller, landlord, buyer, or tenant who has not entered into a brokerage relationship as described in section 339.710.5, RSMo, the licensee shall provide that person with a written copy of the current Broker Disclosure Form prescribed by the Missouri Real Estate Commission. In any event, a licensee shall provide the party that has not entered into a brokerage relationship as described in section 339.710.5, RSMo, the Broker Disclosure Form upon obtaining any personal or financial information or before the signing of a brokerage service agreement, whichever occurs first. If a landlord's agent or transaction broker is conducting property management pursuant to 20 CSR 2250-8.200, the unlicensed officer personnel may, in their performance of the duties enumerated in section 339.010.5(5)(a)-(e), RSMo, provide a tenant with a written copy of the current Broker Disclosure Form prescribed by the commission on behalf of the landlord's agent or transaction broker.

14. Regulation 20 CSR 2250-8.120 states, in relevant part:

...

(3) The escrow or trust account maintained by a broker, as required by the license law, shall be a checking account in a bank, savings and loan or credit union. If the escrow or trust account maintained by a broker is an interest-bearing account, the broker shall disclose in writing to all parties to the transaction that the account is interest-bearing and the disclosure shall indicate who is to receive the interest.

(4) Each broker shall deposit into the escrow or trust account all funds coming into the broker's possession as set out in section 339.100.2(1), RSMo, including funds in which the broker may have some future interest or claim and including, but not limited to, earnest money deposits, prepaid rents, security deposits, loan proceeds and funds paid by or for the parties upon closing of the transaction. No broker shall commingle personal funds or other funds in the broker's escrow account except to the extent provided by section 339.105.1, RSMo. Commissions payable must be removed from the escrow account at the time the transaction is completed. After the transaction is completed, interest payable shall be disbursed to the appropriate party(ies) from the escrow account no later than ten (10) banking days following the receipt of the next statement of the escrow account. When the licensee receives all interest earned, interest payable to a licensee must be removed from the escrow account within ten (10) banking days following the receipt of the next statement of the escrow account.

15. Regulation 20 CSR 2250-8.160(2) states:

Every broker shall retain for a period of at least three (3) years true copies of all property management agreements, correspondence or other written authorization relating to each real estate transaction relating to leases, rentals or management activities the broker has handled. The broker must also retain all business books, accounts and records unless those records are released to the owner(s) or transferred to another broker by written detailed receipt or transmittal letter agreed to in writing by all parties to the transaction.

16. Regulation 20 CSR 2250-8.170(1) states:

Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

17. Regulation 20 CSR 2250-8.200(1) states:

When managing property a licensee shall not rent or lease, offer to rent or lease, negotiate, or offer or agree to negotiate, the rent or lease, list or offer to list for lease or rent, assist or direct in procuring of prospects calculated to result in the lease or rent, assist or direct in the negotiation of any transaction calculated or intended to result in the lease or rent, or show that property to prospective renters or lessees unless the licensee's broker holds a current written property management agreement or other written authorization signed by the owner of the real estate or the owner's authorized agent.

18. Regulation 20 CSR 2250-8.220 states, in relevant part:

...

(6) Fees or commissions payable to a broker must be withdrawn from a property management escrow account at least once a month unless otherwise agreed in writing. Any rent paid in advance as a deposit for the last month's rent or as rent other than the current month's rent held by a broker shall be deposited in the property management escrow account unless otherwise agreed to in writing.

(7) In addition to the notification required by section 339.105.2, RSMo, each broker, upon request of the commission or its agent, shall consent to the examination and audit of the broker's property management escrow account(s) by the commission or its agent. As part of the consent, each broker shall execute a form presented to him/her by the commission or its agent entitled Consent to Examine and Audit Escrow or Trust Account.

19. Licensees' conduct, as described in paragraphs 4 and 5 above, constitutes cause to discipline Licensees' licenses.

20. Cause exists for the Commission to take disciplinary action against Licensees' licenses under § 339.100.2(3), (15), (16) and (19), RSMo, which states in pertinent part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621, RSMo, against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit into a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

...

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860\*, or any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860\*;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

...

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

#### Joint Agreed Disciplinary Order

21. Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Commission in this matter under the authority of §§ 536.060, 621.045.4 and 621.110, RSMo.

22. The terms of discipline shall include **Licensees' licenses shall be placed on probation for a period of two (2) years.** Licensees' licenses are hereby placed on two (2) years' probation. During the period of **probation** on their licenses, Licensees shall be entitled to practice as a real estate association and real estate broker associate provided they adhere to all the terms stated herein. The period of probation shall constitute the "disciplinary period."

23. **Terms and conditions of the disciplinary period.** Terms and conditions of the disciplinary period are as follows:

#### Specific Terms

a. Licensees shall, at their own expense, ensure that quarterly audits of their registered escrow account, Simmons Bank, Account 1148, is conducted and completed by a certified public accountant (CPA), bookkeeper or accountant approved by the Commission. Within 15 calendar days of the effective date of this Settlement Agreement, Licensees shall submit to the MREC in writing a list of at least three CPAs, bookkeepers or accountants with experience in three-way reconciliation, including name, address, and relationship to Licensees. The Commission may approve one or more of the listed CPAs or may require Licensees, on grounds that are reasonable, to submit additional names for consideration and approval. Licensees shall, at their expense, retain an approved CPA to conduct and complete the quarterly audits for eighteen (18) months. The first such quarterly audit shall begin with the quarter ending June 30, 2019 and continue through and conclude with the quarter ending September 30, 2020. Within seven calendar days of completion of each quarterly audit, Licensees shall provide the MREC with written confirmation of the audit's completion. Further, within 30 days of completion of each quarterly audit, the certified public accountant conducting and completing the audit will mail to the MREC by certified mail, return receipt requested, a signed statement from the CPA confirming that his/her firm completed a reconciliation of the account and matched the reconciled balance to the check register and the total of all reported owner and/or tenant balances. All documents necessary to prove the reconciliation should be submitted with the CPA's statement. If the CPA should find that the three-way reconciliation does not match, the CPA report should include the details and documentation necessary to show that all discrepancies were identified and corrected. Licensees must comply with the requirements of this paragraph for eighteen months following the execution of the Agreement.

b. Licensee Harrington and Licensee Harrington LLC **shall each pay a civil penalty in the amount of \$250.00 pursuant to § 339.100.3, RSMo.** The civil penalty shall be made by **CERTIFIED CHECK PAYABLE** to the "Missouri Real Estate Commission" and mailed to the Missouri Real Estate Commission, PO Box 1339, Jefferson City, MO 65102-1339. Said check must be postmarked or hand delivered within 60 days of the effective date of this Settlement Agreement. Funds received pursuant to this Order shall be handled in accordance with Section 7 of Article IX of the Missouri Constitution

and Section 339.205.8, RSMo. Licensees' failure to pay the full amount of the \$250.00 civil penalty within sixty days of the effective date of this Order shall constitute a violation of this Order.

General Terms

- a. Licensees shall keep the MREC apprised at all times in writing of their current addresses and telephone numbers at each place of residence and business. Licensees shall notify the MREC in writing within ten days of any change in this information.
- b. Licensees shall timely renew Licensees' licenses, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain their licenses in a current and active state. During the disciplinary period, Licensees shall not place their licenses on inactive status as would otherwise be allowed under 20 CSR 2250-4.050. Alternatively, without violating the terms and conditions of this Settlement Agreement, Licensees may surrender their real estate licenses by submitting a Surrender of Licensure Rights and Privileges form to the MREC along with the original license and any duplicate copies issued to Licensee. If Licensees apply for a real estate license after surrender, Licensees shall be required to requalify as if original applicants. Licensees would have to apply as an original applicant for a salesperson license. The MREC will not be precluded from basing its decision, wholly or partially, on the findings of fact, conclusions of law, and discipline set forth in this Settlement Agreement.
- c. Licensees shall meet in person with the MREC or its representative at any such time and place as required by the MREC or its designee upon notification from the MREC or its designee. Said meetings will be at the MREC's discretion and may occur periodically during the probation period.
- d. Licensees shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee.
- e. During the probationary period, Licensees shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order.
- f. Licensees shall comply with all relevant provisions of Chapter 339, RSMo, as amended; all rules and regulations of the MREC; and all local, state, and federal laws. "State" as used herein refers to the State of Missouri and all other states and territories of the United States.

g. Licensees shall report to the MREC each occurrence of Licensees' being finally adjudicated and found guilty, or entering a plea of guilty or nolo contendere, in a state or federal criminal prosecution, to felony or misdemeanor offenses, within ten business days of each such occurrence.

h. Licensees shall not obtain any new licenses from the MREC during the disciplinary period without prior written approval of the MREC.

24. This Agreement does not bind the Commission or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Agreement that are either now known to the Commission or may be discovered.

25. This Agreement does not bind the Commission or restrict the remedies available to it concerning any future violations by Licensee of Chapter 339, RSMo, as amended, or the regulations promulgated thereunder, or of the terms of this Agreement.

26. All parties agree to pay all their own fees and expenses incurred as a result of this case, its settlement or any litigation.

27. The parties to this Agreement understand that the Missouri Real Estate Commission will maintain this Agreement as an open record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

28. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

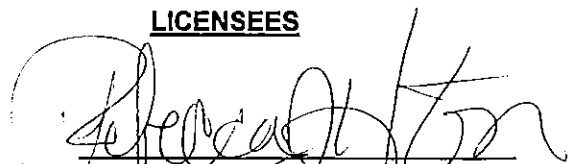
29. Licensees, together with Licensees' heirs and assigns, and Licensees' attorneys, do hereby waive, release, acquit and forever discharge the Commission, its respective members and any of its employees, agents, or attorneys, including any former Commission members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement Agreement

in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof to be void or unenforceable.

30. If no contested case has been filed against Licensees, Licensees have the right, either at the time the Settlement Agreement is signed by all parties or within fifteen days thereafter, to submit the Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the licenses of Licensees. If Licensees desire the Administrative Hearing Commission to review this Agreement, Licensees may submit this request to: **Administrative Hearing Commission, United States Post Office Building, P.O. Box 1557, 131 W. High Street, Jefferson City, Missouri 65102-1557.**

31. If Licensees have requested review, Licensees and Commission jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensees' licenses and issue findings of facts and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensees' licenses. Effective the date the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensees' licenses, the agreed upon discipline set forth herein shall go into effect. If the Administrative Hearing Commission issues an order stating that the Settlement Agreement does not set forth cause for discipline, then the Commission may proceed to seek discipline against Licensees as allowed by law. If the Licensees do not submit the Agreement to the Administrative Hearing Commission for determination, the agreement shall become effective fifteen (15) days following the signature of the Commission's Executive Director.

LICENSEES

  
\_\_\_\_\_  
Rebecca Harrington LLC  
Rebecca J. Harrington, Designated Broker

  
\_\_\_\_\_  
Rebecca J. Harrington

Date 9/1/19

COMMISSION

  
\_\_\_\_\_  
Terry W. Moore  
Executive Director  
Missouri Real Estate Commission

Date 09-11-19



Governor Michael L. Parson  
State of Missouri

Department of Insurance  
Financial Institutions  
and Professional Registration  
Chlora Lindley-Myers, Director

DIVISION OF PROFESSIONAL REGISTRATION

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Kathleen (Katie) Steele Danner  
Division Director

<http://www.pr.mo.gov>

**MISSOURI REAL ESTATE COMMISSION 15-DAY WAIVER ATTESTATION**

I attest that I affirmatively waive my right to review of the attached Settlement Agreement by the Administrative  
Hearing Commission pursuant to section 621.045, RSMo.

I attest that I understand that the Settlement Agreement to become effective upon the date the Missouri Real  
Commission's Executive Director signs the Settlement Agreement.

Rebecca J. Harrington  
Printed Name

Signature

Date

9/1/19